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TELEGRAM

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ACTION: IO-15

INFO: OCT-01 EUR-20 L-04 CIAE-00 INR-08 NSAE-00 RSG-01 SY-03

USSS-00 SS-20 NSC-10 JUS-02 RSR-01 1085 W

PI R 200012Z FEB 71

FMI USMISSION USUN NY

TO SECSTATE WASHDC PRIORITY 4960

INFO AMEMBASSY MOSCOW

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SUBJ: JDL SOVIET MISSION CASE OF DEC 30

REF: USUN 453 - POL 23-8 US

DEPARTMENT OF STATE A/CDC/MR

REVIEWED BY M. PC / M. MA DATE 3.13.87

RDS ☐ or XDS ☐ EXT. DATE

TS AUTH. REASON(S)

ENDORSE EXISTING MARKINGS ☐

DECLASSIFIED ☐ RELEASABLE ☒

RELEASE DENIED ☐

PA or FOI EXEMPTIONS

1. TRIAL OF RABBI MEIR KAHANE COMMENCED MORNING FEB 19 BEFORE JUDGE IRVING LAMF, NYC CRIMINAL COURT

2. DA MICHAEL HAYNES, FOR PEOPLE, DESCRIBED TO JURY SITUATION ON BOTH CORNERS EAST 67TH ST AT SOV MISSION NIGHT DEC 30, 1969 AND EVIDENCE LEADING TO ARREST OF RABBI KAHANE.

3. ATTORNEY PHILIP EDELBAUM STATED POLICE HAD PRIOR NOTIFICATION THERE WOULD BE PEACEFUL DEMONSTRATION BY JDL. CONFERENCE HAD BEEN HELD WITH POLICE DEPARTMENT AND POLICE HAD AGREED TO PERMIT SPECIFIC NUMBER PICKETS ON STREET. THAT NIGHT, ACCORDING EDELBAUM, JDL WAS NOTIFIED THAT POLICE WOULD NOT HONOR AGREEMENT. EDELBAUM STATED KAHANE HAD FIRST AMENDMENT RIGHT PEACEFULLY PROTEST, WHETHER FOREIGN GOVT LIKED IT OR NOT OR WHETHER USG LIKED IT OR NOT. FURTHER, HE STATED KAHANE AND DEMONSTRATORS HAD RIGHT TO BE IN PLACE WHERE THEY COULD BE SEEN AND WHERE THEY WOULD NOT BE HERDED OFF. HE ADDED, WHEN RABBI KAHANE ASKED FOR PERMISSION TO GO TO PARS EAST SYNAGOGUE TO PRAY, PERMISSION WAS DENIED BY POLICE DEPARTMENT. UNDER CIRCUMSTANCES, EDELBAUM EXPRESSED VIEW THERE WAS INFRINGEMENT OF KAHANE'S CONSTITUTIONAL RIGHTS OF FREEDOM OF SPEECH AND FREEDOM OF RELIGION. FURTHER, AS RESULT RABBI ENDEAVORING EXERCISE CONSTITUTIONAL RIGHTS.

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HAD FINGER BROKEN AND WAS ARRESTED. EDELBAUM STATED, PEOPLE HAD FAILED TO PROVE TABBI'S GUILT.

4. FIRST WITNESSES WERE INSPECTOR JAMES SULLIVAN, COMMANDER, NYPD TACTICAL PATROL FORCE AND PATROLMAN GARY BEAMER, ALSO OF TPF. THEY DESCRIBED IN CONSIDERABLE DETAIL EFFORT TPF AND OTHER UNITS NYPD TO CONTROL CROWD AT BOTH ENDS 67TH ST. THEY ALSO DESCRIBED CIRCUMSTANCES LEADING TO ARREST OF RABBI KAHANE AND 23 OTHER MEMBERS JDL.

5. EDELBAUM INTRODUCED AS EVIDENCE CERTIFIED COPY LTR DATED JULY 30, 1969, SIGNED BY POLICE COMMISSIONER HOWARD LEARY, OUTLINING POLICE DEPARTMENT'S POLICY CONCERNING PICKETING 67TH ST AND USE DESIGNATED AREAS FOR PICKETING. HE ALSO INTRODUCED AS EVIDENCE APPLICATION DATED DEC 19, 1969 FOR PERMIT FOR JDL TO OPERATE SOUND DEVICE AT HAMMERSKUOLD PLAZA AND AT 67TH ST.

6. AT THIS STAGE TRIAL IN DEFENSE RABBI KAHANE, EDELBAUM TRYING TO PROVE TO JURY:

A. VIOLATION BY NYPD OF KAHANE'S CONSTITUTIONAL RIGHTS.

B. FACT THAT PERMIT TO OPERATE SOUND DEVICE WAS NOT HONORED.

C. FACT THAT AGREEMENT WITH NYPD FOR DESIGNATED AREAS FOR PICKETING WAS NOT HONORED.

D. FACT THAT DISORDER NEVER WOULD HAVE OCCURRED HAD INSPECTOR SULLIVAN TRIED TO WORK OUT SOLUTION TO PICKETING SITUATION WITH RABBI KAHANE.

7. TRIAL WILL CONTINUE AT 2:00 PM AFTERNOON FEB 19. AMONG OTHER WITNESSES EXPECTED TO BE CALLED WILL BE INSPECTOR DAVID FALLEK, HEAD OF NYPD FOURTH DIVISION. YOST

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